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Michael Kilian

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EXAMINER

WONG, JOSEPH D

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,790	<b>Applicant(s)</b> KILIAN ET AL.	
	<b>Examiner</b> JOSEPH D. WONG	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 65-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4 Nov 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2166

### **DETAILED ACTION**

Upon reconsideration, this action is made non-final to introduce new grounds of rejection.

#### ***Response to Arguments***

##### Drawings

Figs. 2-3 are objected to under 37 CFR 1.83 for two reasons. The instantly argued limitation that the retention period is stored in the content unit is somehow unconventional or patentably distinct is not illustrated. The instantly argued limitation that the request to delete comes from the unit of content does not appear illustrated.

Objections to the other figures are withdrawn.

##### Rejection under 35 U.S.C. §112

Rejections under 35 USC 112, 2<sup>nd</sup> are withdrawn.

##### Rejection under 35 U.S.C. §101

Rejections under 35 USC 101 are withdrawn.

##### Rejection under U.S.C. §103

Arguments against the prior art are fully considered. When the arguments are persuasive, rejections are withdrawn. When the arguments are not persuasive, rejections are maintained.

Art Unit: 2166

On page 10, paragraph 4 through page 11, paragraph 3, Applicant argues that Cossey does not teach that a "retention period for a unit of content being stored in the content of the unit of content". However, this argument is moot in view of a new ground of rejection of Stuart in view of MacPhail. After the Examiner has reviewed the instant drawings, Applicant is requested to provide clarification on the metes and bounds of the term unit. Therefore claims 65, 70 and 75 stand rejected.

On page 11, paragraph 5, Applicant argues that Cossey does not teach "request to delete the unit of content identifying the unit of content using a content address generated at least in part from at least a portion of the unit of content". However, this argument is moot in view of a new ground of rejection in view of MacPhail. After the Examiner has reviewed the instant drawings, Applicant is requested to cite where this argued limitation is illustrated in the drawings and its antecedence basis to the instant specification. Note that the metes and bounds of the content address can be interpreted to include a file name or document name. Therefore claims 65, 70 and 75 stand rejected.

For at least the reasons above, all pending claims stand rejected.

### ***Claim Objections***

Claims 65, 70 and 75 are objected under 37 CFR 1.75 because the antecedence basis in the instant specification for "retention period" \*\*\*in\*\*\* the "content unit" has not been observed or cited. Appropriate clarification or correction is requested.

Art Unit: 2166

Claims 65, 70 and 75 are objected under 37 CFR 1.75 because the antecedence basis in the instant specification for "request to delete" is has not been observed or cited. Appropriate clarification or correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 65-78 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 65, 70 and 75 are rejected under 35 USC 112, 1<sup>st</sup> because the support appears unclear for "retention period" \*\*\*in\*\*\* the "content unit" has not been observed or cited. Appropriate clarification or correction is requested.

Independent claims 65, 70 and 75 are rejected under 35 USC 112, 1<sup>st</sup> because the support appears unclear for ""request to delete" has not been observed or cited. Appropriate clarification or correction is requested.

***Claim Rejections - 35 USC § 103***

Art Unit: 2166

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 65-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart et al., (US 2005/0055519), hereinafter Stuart in view of MacPhail, (US 5,107,419), hereinafter MacPhail.**

Regarding claim 65, Stuart teaches a method for use in a computer system comprising at least one host and at least one storage system, the method comprising acts of:

(A) receiving a request, from the host, to delete a unit of content stored on the storage system (see paragraph [0020], Figs. 4 & 9),

(B) determining whether previously-defined retention period for the unit of content has expired; (see paragraph [0020], Figs. 4 & 9)

(C) when it is determined in the act (B) that the retention period for the unit of content has not expired, denying the request to delete the unit of content (See paragraphs [19-20], Fig. 9); and (D) when it is determined in the act (B) that the retention period for the unit of content has expired, directly deleting the unit of content in response to the request (see paragraphs [93-94], Fig. 9).

However, Stuart does not explicitly teach wherein a previously-defined retention period for the unit of content is stored in the unit of content, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of

Art Unit: 2166

the unit of content, and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period;

MacPhail teaches wherein a previously-defined retention period for the unit of content is stored in the unit of content, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period (see claim 9, Fig. 5).

9. A method to assign a set of required retention and deletion criteria, including a document expiration date and an ownership expiration date, to each of a relatively large number of electronic documents stored by users in a multi-user information handling system, prior to each of said documents being stored in said information handling system, said method

SET DOCUMENT DESCRIPTORS MENU
DOCUMENT NAME:
SUBJECT:
DOCUMENT LABEL: MEMO
DOCUMENT EXPIRATION DATE: 12/10/87
OWNERSHIP LABEL: <u>PERSONAL</u> <u>MEMO</u>
OWNERSHIP EXPIRATION DATE: 10/10/87
NOTE:
TO SEE A LIST OF ALLOWABLE VALUES, PLACE THE CURSOR UNDER THE FIELD AND PRESS HELP
TO EXIT THIS MENU, PRESS ENTER.

FIG. 3

Art Unit: 2166

Stuart and MacPhail are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Stuart and MacPhail because it provides for logical analysis to select a default criteria and to verify information was entered directly by the end user as discussed in MacPhail, Abstract.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Stuart and MacPhail because it provides for logical analysis to select a default criteria and to verify information was entered directly by the end user as suggested in MacPhail, Abstract.

Regarding claim 66, Stuart teaches the method, wherein the acts (A), (B) and (C) are performed by the storage system. (See paragraphs [7, 22-24]; Fig. 1)

Regarding claim 67, Stuart teaches the method, further comprising an act (D) of, prior to performing the acts (A), (B) and (C), receiving information specifying the retention period for the unit of data. (See paragraphs [32-33], Fig. 4)

Regarding claim 68, Stuart teaches the method, further comprising acts of, prior to performing the acts (A), (B) and (C):

(D) receiving the unit of data at the storage system (See paragraphs [7, 39-41]); and

(E) writing the unit of data to the storage system. ([8])

Regarding claim 69, Stuart teaches the method, further comprising acts of, prior to performing the acts (A), (B) and (C):

(F) receiving information specifying the retention period for the unit of data along with the unit of data; and (Paragraphs [32-33], Fig. 4)

Art Unit: 2166

(G) writing the information specifying the retention period to the storage system (paragraphs 32-42).

Regarding claim 70, Stuart teaches at least one computer readable storage medium encoded with instructions that, when executed on a computer system, perform a method for use in the computer system, wherein the computer system comprises at least one host and at least one storage system, and wherein the method comprises acts of

(A) receiving a request, from the host, to delete a unit of content stored on the storage system (See paragraph [0020], Figs. 4 & 9); (See paragraph [20], Figs. 4+9)

(B) determining whether previously-defined retention period for the unit of content has expired; (See paragraph [0020], Figs. 4 & 9)

(C) when it is determined in the act (B) that the retention period for the unit of content has not expired, denying the request to delete the unit of content (see paragraphs [19-20], Fig. 9); and (D) when it is determined in the act (B) that the retention period for the unit of content has expired, directly deleting the unit of content in response to the request (see paragraphs [93-94], Fig. 9).

Stuart does not explicitly teach wherein a previously-defined retention period for the unit of content is stored in the unit of content, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period.

Art Unit: 2166

However, MacPhail teaches wherein a previously-defined retention period for the unit of content is stored in the unit of content, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period (see claim 9, Fig. 5).

Regarding claim 71, Stuart teaches the at least one computer readable storage medium, wherein the acts (A), (B) and (C) are performed by the storage system (See paragraphs [7, 22-24]; Fig. 1).

Regarding claim 72, Stuart teaches the at least one computer readable storage medium, further comprising an act (D) of, prior to performing the acts (A), (B) and (C), receiving information specifying the retention period for the unit of data.

Regarding claim 73, Stuart teaches the at least one computer readable storage medium, further comprising acts of, prior to performing the acts (A), (B) and (C): (See paragraphs [32-33], Fig. 4)

(D) receiving the unit of data at the storage system (See paragraphs [7, 39-41]); and

(E) writing the unit of data to the storage system. ([8])

Regarding claim 74, Stuart teaches the at least one computer readable medium, further comprising acts of, prior to performing the acts (A), (B) and (C):

(F) receiving information specifying the retention period for the unit of data along with the unit of data; and (Paragraphs [32-33], Fig. 4)

Art Unit: 2166

(G) writing the information specifying the retention period to the storage system. (Paragraphs 32-42)

Regarding claim 75, Stuart teaches a storage system for use in a computer system comprising at least one host and the storage system, the storage system comprising: at least one storage device to store data received from the at least one host (See paragraph [0020], Figs. 4 & 9); and at least one controller that; receives a request, from the host, to delete a unit of data stored on the storage system (See paragraph [0020], Figs. 4 & 9), wherein a previously-defined retention period for the unit of content is stored in the unit of content, determines whether the previously-defined retention period for the unit of data has expired; when it is determined that the retention period for the unit of data has not expired, denies the request to delete the unit of data (See paragraphs [19-20], Fig. 9); and when it is determined that the retention period for the unit of content has expired, directly deletes the unit of content in response to the request. (See paragraphs [93-94], Fig. 9)

Stuart does not explicitly teach wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period.

However, MacPhail teaches wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period (see claim 9, Fig. 5).

Regarding claim 76, Stuart teaches the storage system, wherein the at least one controller receives information specifying the retention period for the unit of data (see paragraphs [7, 22-24]; Fig. 1).

Regarding claim 77, Stuart teaches the storage system, wherein the at least one controller receives the unit of data and writes the unit of data to the at least one storage device (see paragraphs [32-33], Fig. 4).

Regarding claim 78, Stuart teaches the storage system, wherein the at least one controller receives information specifying the retention period for the unit of data along with the unit of data and writes the information specifying the retention period to the at least one storage device (paragraphs 32-42).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is 571-270-1015. The examiner can normally be reached on Mondays through Fridays from 10 AM - 6 PM.

Applicant initiated interviews may be formally requested in advance by faxing a completed PTO-413A form to the Examiner's personal fax number at 571-270-2015. Form PTO-413A is used by the Examiner to prepare for any proposed interview. A detailed agenda listing should be attached including any proposed claim language and/or arguments that will be

Art Unit: 2166

presented. This form is used to determine whether any proposed interview would advance prosecution and fit within a prescribed time limit.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JDW/

Asst. Examiner, Art Unit 2166

23 January 2009

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166